

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRENDA SMITH,)	
)	CASE NO.: 1:16-cv-02335-JG
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
vs.)	
)	
TRUGREEN LIMITED PARTNERSHIP,)	<u>NOTICE IDENTIFYING</u>
<i>et al.</i>)	<u>PLAINTIFF'S POTENTIAL</u>
)	<u>EXPERT WITNESSES</u>
)	
Defendants.)	
)	

Now comes Plaintiff, by and through undersigned counsel, and hereby respectfully notices Defendants of the identities of her potential expert witnesses pursuant to this Court's December 19, 2016 Order. Plaintiff anticipates she may call the following expert witnesses:

1. Daniel A. Baron, Esq., Owner and President of Baron Landscaping; 9620 Hillside Road, Independence, OH 44131; 216-276-4282; expected testimony regarding damage to yard and expense to repair;
2. George Graham, Owner and President of Graham Water Service Inc.; 5145 Columbia Road, Medina, OH 44256; 330-760-4697; expected testimony regarding damages and cost to remediate related to the cistern and water at the property;
3. Michael Babet, President of Forevergreen Lawn Care Inc.; 1313 Taylor Road, Elyria, OH 44035; 440-376-8515; expected testimony regarding causation and standard of care in use of pesticides and herbicides.

A representative from the Ohio Department of Agriculture is also expected to be called to testify in relation to causation and standard of care, but this representative will likely be a lay witness rather than an expert.

Copies of each expert's *curriculum vitae* are annexed and attached to this Notice.

Respectfully Submitted,

/s/ Samantha A. Vajskop

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on January 23, 2017, she served a true and accurate copy of the foregoing on counsel for all parties via email and the ECF system.

/s/ Samantha A. Vajskop

Samantha A. Vajskop, Esq. (0087837)

DANIEL A. BARON

9620 Hillside Road Independence, Ohio 44131
216-276-4282 (cell) dan@baronlandscaping.com

Education

- **Cuyahoga Community College** – Landscape and Horticulture Program 2002-2004
- **J.D., *cum laude*, Cleveland-Marshall College of Law**, Cleveland State University, May 2015
- **Bachelor of Business Administration, *cum laude***, The University of Akron, May 2011

Experience

Baron Landscaping 1998-Present

- Serviced over 1500 clients in the greater Cleveland area
- Managed over 30 landscape crew members
- Manage dozens of sub-contractors including fertilizing technicians
- Designed and constructed over \$10 million in landscaping since company's establishment
- Build custom landscapes ranging from \$5000-120,000.00
- Maintained the grounds, including fertilization, for over 30 condo associations throughout greater Cleveland

Baron Law LLC, Independence, Ohio *Attorney*, November 2015 – Present

- Practice law in the areas of business law, estate planning, and elder law.

Licenses

- Ohio Certified Nursery Technician
- Ohio Pesticide and Fertilizing Applicator's License
- International Interlocking Paving Certification

Membership Awards & Involvement

Ohio Landscape Association – Member 2002-2011
Ohio Nursery and Landscape Association 2002-2010
Great Big Home and Garden Show 2009-2012
Ohio CENTS show
Merit Award – Ohio Landscape Association – 2008
Merit Award – Ohio Landscape Association – 2007
Global Student Entrepreneur Award 2004
Ohio State University – CLT Training and Plant Science 2010
Cuyahoga Community College – Participated in Landscape competition in Utah 2004

GEORGE GRAHAM

5145 Columbia Road, Medina, OH 44256 • (330) 760-4697 • ggraham1@neo.rr.com

CERTIFICATIONS

- **Ohio Department of Health**, Registered Private Water System Contractor
 - Fully licensed for Well, Spring, Pump, Water, Cistern, Pond, and Sealing in Medina County
- **Aqua America Systems by Nelson**, Skilled User
- **Goulds, Pump-Xylem Brand** and **Myers Pumps**, Installer and Trainer

PROFESSIONAL MEMBERSHIPS

- **Ohio Water Well Association**, Member

EXPERIENCE

Graham Water Service Inc., Medina, OH

Owner/President, January 1999 – Present

Technician, 1973 - Present

- Provide water well and plumbing services in Medina and surrounding area, including both commercial and residential
- Install, maintain, repair, and replace well pumps and pipes, including capping, deepening, desanding, drilling, locating, and troubleshooting
- Install, maintain, repair, and replace cisterns, drains, and water tanks, including cleanings, digging and excavations, trenches, and water line installations
- Provide estimates for services, including cleaning, excavation, replacement, and hookups to city water lines

Michael Babet

38601 Sugar Ridge Rd., North Ridgeville, Ohio 44039 (C)
440-376-8515 (E) mbabet@windstream.net

Summary

Successful Entrepreneur, Applicator and Salesperson. Highly motivated and willing to lead. School Board member for 8 years. Head Coach for two Varsity level sports at a private Christian school. Father of Three children and married 24 years.

Major Projects and Consultations

- Major cleanup projects, including small spill containment, chemlawn tanker accident cleanup and disposal, and herbicide damage treatment in residential areas.
- Other large projects include treatments for all Cleveland Catholic Diocese cemeteries, Legacy Village's tree inventory, and athletic field maintenance at Rocky River, Bay Village, Avon Lake, and North Ridgeville schools.
- Provided expert advice to Sierra Club with Bay Village Schools.
- Provided expert advice in a private court case involving herbicide damage to shrubbery.

Accomplishments

- Ohio Pesticide Applicator License # 19798
- Member OLCA, OLA
- Golden 30 award winner revenue growth
- Top salesman award Chemlawn 1991
- School Board President for 4 years
- Periodic publications in periodicals and industry magazines
- Spoke at a training seminar at Michigan State University on lime benefits

Experience

- | | |
|-------------------|--|
| 01/1993 -Current | Forevergreen Inc. - North Ridgeville, Ohio
President
Owner / Manager responsible for all phases of multi-million dollar successful company. Specializing in Integrated Pest Management for turf , landscape and aquatic customers. |
| 01/1990 - 01/1993 | Chemlawn - Various, Ohio
Area Sales Manager
Responsible for multi-branch sales. Large account management including service delivery and followup's. Responsible to present Agronomic training |

regionally to sales staff and managers.

Additional Duties included Chemical treatment programs for Industrial Vegetation Control, Aquatic treatments, Horticultural pest diagnostics and Turf applications to large areas. Estimating and proposal presentation to clients with follow-up's and Collection responsibilities.

01/1987 - 01/1990 **Custom Lawns** - North Ridgeville, Ohio

Lawn Applicator

Treating residential lawns. Including Herbicide applications, Integrated Pest Management program implementation and customer relations.

Education, Certifications and Training

Present Certified in Turfgrass, Tree and Shrub, Aquatic, and Vegetation.

Ongoing Ohio Department of Agriculture recertification training (annual)
Vendor-sponsored recertification training (annual)
Industry membership classes and seminars (periodic)

1989 **ATI/OSU** - Wooster, Ohio, USA Associate
of Science: Turfgrass Management
Proficient in all phases of pesticide treatment, diagnostics and application. Heavy
Emphasis on Business Management. Internship training at Custom Lawns.